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THE CALIFORNIA SPORTFISHING

9 PROTECTION ALLIANCE

10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12  
13 THE CALIFORNIA SPORTFISHING  
14 PROTECTION ALLIANCE, a  
15 California nonprofit corporation,

16 Plaintiff,

17 vs.  
18

19 Tri C Manufacturing, Inc., a California  
20 corporation,

21 Defendant.  
22

Case No. 2:20-cv-00037-TLN-EFB

**NOTICE OF SETTLEMENT;  
STIPULATION AND ORDER TO  
STAY PROCEEDINGS**

1       **PLEASE TAKE NOTICE** that the parties have reached a settlement  
2 resolving all claims in this action. The settlement is contingent upon the expiration  
3 of the federal agencies' 45-day review period required by the Federal Water  
4 Pollution Control Act, 33 U.S.C. § 1365(c)(2).<sup>1</sup>

5       **PLEASE TAKE FURTHER NOTICE** that, in accordance with federal  
6 law, no judgment disposing of this action may be entered prior to 45 days  
7 following the receipt of the proposed settlement agreement by the United States  
8 Department of Justice and the national and Region IX offices of the United States  
9 Environmental Protection Agency. *See* 40 C.F.R. § 135.5 (requiring the parties to  
10 provide notice to the court of the 45-day agency review period under 33 U.S.C. §  
11 1365(c)). Such notice was mailed to the agencies on August 3, 2020. Given  
12 approximately 10 days for the mailing and processing of receiving the settlement,  
13 the regulatory agencies' review period will end by approximately September 28,  
14 2020. If any of the reviewing agencies object to the proposed Settlement  
15 Agreement, the parties would require additional time to meet and confer and  
16 attempt to resolve the agencies' concerns. At the end of the 45-day review period,  
17 the parties will file either a Request for Entry of the Proposed Consent Judgment or  
18 a notice that the agencies objected to the Proposed Consent Judgment.

19       In light of the settlement agreement entered into by the parties and the need  
20 to await the conclusion of the agencies' 45-day review period, the parties, through  
21 their respective counsel, stipulate and agree as follows:

22       **WHEREAS**, on January 6, 2020, Plaintiff filed its Complaint initiating this  
23 action;

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24  
25 1 Title 33 of the United States Code, Section 1365(c)(2) provides that "[n]o consent judgment  
26 shall be entered in an action in which the United States is not a party prior to 45-days following  
27 the receipt of a copy of the proposed consent judgment by the Attorney General and the  
Administrator."

1       **WHEREAS**, the parties successfully completed and executed a Proposed  
2 Consent Judgment on August 3, 2020;

3       **WHEREAS**, on August 3, 2020, Plaintiff submitted the Proposed Consent  
4 Judgment via certified mail, return receipt requested, to the U.S. EPA and the U.S.  
5 Department of Justice and must now await the completion of the 45-day review  
6 period set forth at 40 C.F.R. § 135.5 and 33 U.S.C. § 1365(c)(2);

7       **WHEREAS**, in light of the parties' entering into the Proposed Consent  
8 Judgment and the need to allow the federal agencies 45 days to review the  
9 Settlement Agreement, the parties further request that the Court immediately stay  
10 all proceedings in this action until September 28, 2020 by which date the parties  
11 expect to have filed a Request for Entry of Proposed Consent Judgment with the  
12 Court.

13       **THEREFORE, IT IS HEREBY STIPULATED** by and between the  
14 parties, through their respective counsel of record, that the Court stay all  
15 proceedings in this action, until September 28, 2020, and, with the exception of  
16 this Stipulation, vacate all deadlines and dates currently scheduled by the Court.

17 Respectfully Submitted,

18 Dated: August 3, 2020

MICHEL & ASSOCIATES, P.C.

19 By: /s/ W. Lee Smith

20 W. Lee Smith  
21 Attorneys for Defendants Tri C  
Manufacturing, Inc.

22  
23 Dated: August 3, 2020

LOZEAU DRURY LLP

24 By: /s/ Rebecca Davis

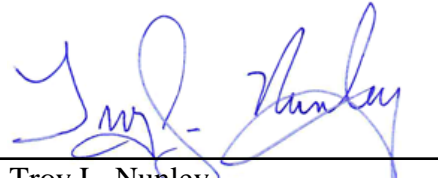
25 Rebecca Davis  
26 Attorneys for Plaintiff California Sportfishing  
Protection Alliance

**ORDER**

In light of the parties' stipulation, and good cause appearing, the Court stays all proceedings in this action until September 28, 2020, and vacates all deadlines and dates currently scheduled by the Court.

**IT IS SO ORDERED.**

Dated: August 3, 2020

  
Troy L. Nunley  
United States District Judge